

REMARKS

In response to the Office Action dated June 2, 2005, Applicants respectfully request reconsideration based on the above amendments and following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 35 and 51-53 have been canceled to expedite prosecution. Such cancellation should not be construed as acquiescence in the rejection.

Claim 42 has been placed in independent form. This amendment does not raise any new issues as it places a dependent claim in independent form. Entry of this amendment is proper after final rejection.

Claims 35-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flynn in view of www.Rogers.com, "Portage™ Wireless Connectivity, Quick Start Guide, 10-2000" ("Rogers"). This rejection is traversed for the following reasons.

Claim 42 recites "sending an electronic mail message to each mobile computer in the network when the updated version of the software program is available on the server." Neither Flynn nor Rogers teaches or suggests this element. In rejecting claim 42, the Examiner states "See network in Figure 4 and 6 since network has means of sending electronic mail message." The ability to send e-mail is referenced in Flynn, but there is no teaching of sending an electronic mail message to each mobile computer in the network when the updated version of the software program is available on the server.

With respect to obviousness, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. See MPEP § 2143.01. The rationale provided in the office action suggests that Flynn "can" provide the claimed electronic mail message. As noted in MPEP § 2143.01, this is an improper standard for an obviousness rejection. There must be some motivation to modify the references as proposed by the Examiner. Thus, the obviousness rejection of claim 42 is improper and should be withdrawn.

For the above reasons, claim 42 is patentable over Flynn in view of Rogers. Claims 36-41 and 43-50 depend from claim 42 and are patentable over Flynn in view of Rogers for at least the reasons advanced with respect to claim 42.

It is respectfully submitted that the application is in condition for allowance. Accordingly, reconsideration and allowance of the claims are respectfully requested. The Examiner is cordially requested to telephone, if the Examiner believes that it would be advantageous to the disposition of this case.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment, which may be required for this amendment, to Deposit Account No. 06-1130. In the event that an extension of time is required, or may be required in addition to that requested in any petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 06-1130.

Respectfully submitted,

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